

BORDELON, HAMLIN, THERIOT AND HARDY
ATTORNEYS AT LAW
701 SOUTH PETERS STREET, SUITE 100
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ORIGINAL
FILE

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REGINA S. WEDIG

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OUR FILE NO.

September 15, 1992

WILLIAM C. ELLISON
MARJORIE R. ESMAN
CRAIG E. FROSCHE
LAURIE S. WAHLDER
KATHERINE B. HARDY
DONALD F. CASS, JR.

0211.678\091592.fc

*LL.M. IN TAXATION

VIA U.S. POSTAL SERVICE

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED

SEP 21 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RECEIVED

Re: KXOR
Thibodaux, Louisiana
KXOR, Inc.

SEP 18 1992

MAIL BRANCH

PETITION FOR RULEMAKING
TO AMEND THE FM TABLE OF ALLOTMENTS

Dear Ms. Searcy:

We are transmitting herewith for filing an original and four (4) copies of a Petition for Rulemaking to Amend the FM Table of Allotments for the referenced station. An extra copy is also enclosed which we request that you date-stamp and return to us in the envelope provided for your use.

Should the Commission have any questions, kindly direct them to the undersigned or Ashton R. Hardy of this office.

Sincerely,


Bradford D. Carey

BDC/bgc
Enclosures

cc: Joseph M. Costello, III

No. of Copies rec'd 0+4
List A B C D E

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KXOR, Inc.

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MAIL BRANCH

PETITION FOR RULEMAKING
TO AMEND THE FM TABLE OF ALLOTMENTS

Dear Ms. Searcy:

On behalf of KXOR, Inc. I transmit herewith an original and four copies of a Petition for Rulemaking to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, by substitution of Channel 292C3 for Channel 292A at Thibodaux, Louisiana and modification of the license held by KXOR, Inc. for station KXOR to specify operation on the upgraded channel.

Should the Commission have any questions, kindly contact the undersigned, counsel to KXOR, Inc.. Additionally, I would be appreciative if a copy of any correspondence regarding this matter would be directed to my attention.

With best personal regards, I am

Sincerely,


Bradford D. Carey

Before The

RECEIVED **FEDERAL COMMUNICATIONS COMMISSION** **RECEIVED**

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WASHINGTON, D.C.

SEP 21 1992

MAIL BRANCH

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations

Thibodaux, Louisiana

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MM Docket No. _____

RM No. _____

PETITION FOR RULEMAKING

KXOR, Inc., the licensee of FM Broadcast Station KXOR, Thibodaux, Louisiana, by its undersigned counsel, hereby petitions the Commission to amend Section 73.202(b) of its Rules, the Table of Allotments for FM Broadcast stations to substitute Channel 292C3 for Channel 292A at Thibodaux, Louisiana and to modify the license held by KXOR, Inc. for operation of KXOR to specify operation on the upgraded channel. In support whereof, the following is shown:

KXOR, Inc. presently holds a license to operate station KXOR on Channel 292A at Thibodaux, Louisiana.

An engineering study, a copy of which is annexed hereto as Exhibit 1, demonstrates that Channel 292C3 can be assigned to Thibodaux, Louisiana in full conformity with the Commission's minimum distance specifications, section 73.207.

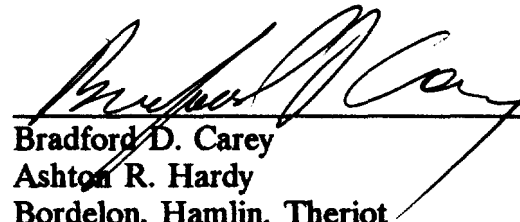
The requested upgrade of Station KXOR would result in service to the public in a wider area, increasing the listening choices of the public. The Commission has determined that the upgrade of existing stations is in the public interest.

If the Commission determines to upgrade the allotment on which station KXOR operates, KXOR, Inc. will timely file an application for a construction permit to build facilities on the upgraded channel. If granted a construction permit, KXOR, Inc. will expeditiously build a station on the upgraded channel and then will operate it.

In conclusion, KXOR, Inc. has demonstrated the availability of Channel 292C3 for substitution for Channel 292A at Thibodaux, Louisiana and has made the required commitments to seek a construction permit on the upgraded channel and to build and operate a station on the upgraded channel.

Wherefore, premises considered, KXOR, Inc. urges the Commission to issue a Notice of Proposed Rulemaking proposing the substitution of Channel 292C3 for Channel 292A at Thibodaux, Louisiana and, after due proceedings, so amend the Table of Allotments.

RESPECTFULLY SUBMITTED,



Bradford D. Carey
Ashton R. Hardy
Bordelon, Hamlin, Theriot
and Hardy
701 South Peters Street
New Orleans, LA. 70130
Telephone (504) 524-5328

Dated: September 15, 1992

*Please note that after October 1, 1992
our firm will be known as Hardy and Carey*

Our address then will be:
111 Veterans Highway
Suite 255
Metairie, LA., 70005
(504) 830-4646

EXHIBIT ONE

JAMES B. HATFIELD, PE
BENJAMIN F. DAWSON III, PE
THOMAS M. ECKELS, PE

PAUL W. LEONARD, PE
L.S. CHRISTIANE ENSLOW
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MAURY L. HATFIELD, PE
CONSULTANT
Box 1326
ALICE SPRINGS, NT 5950
AUSTRALIA

ENGINEERING REPORT:

PETITION FOR RULEMAKING TO AMEND SECTION 73.202 OF THE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION

WITH RESPECT TO KXOR
FM CHANNEL 292 AT
THIBODOUX, LOUISIANA

KXOR, INC.

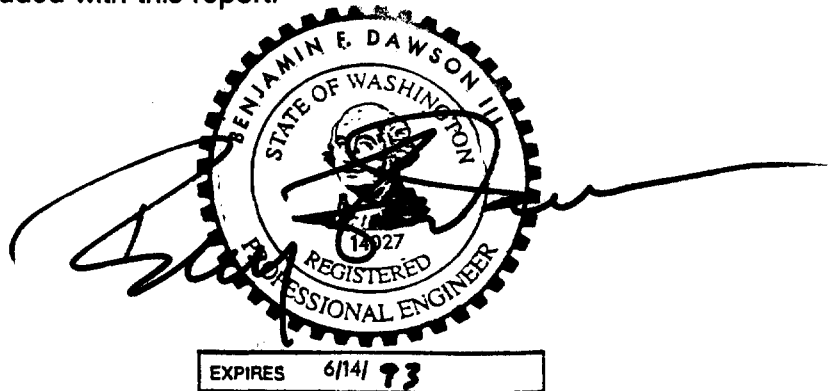
RECEIVED
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9/92

This Engineering Statement has been prepared on behalf of KXOR Inc., in support of a Petition for Rulemaking to change the class of the Thibodoux, LA FM channel allotment in use by station KXOR as listed in §73.202 of the Commission's Rules.

It is proposed to revise §73.202 to specify channel 292C3 rather than channel 292A. As outlined in the attached channel study, channel 292C3 can be assigned for use at Thibodoux in complete compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments. The site used for this study is located 10.8 kilometers south of the site presently used by KXOR. City grade coverage of the city of Thibodoux with the use of class C3 facilities from the proposed site is demonstrated by the class contour distance relationships and the distance between the sites. A class A station provides 70 dbu coverage for 24 km, a class C-3 station for 39 km, and the distance between the licensed class A site and the reference site is just under 11 km. A spacing study at the reference coordinates used for this analysis, and a map showing the circumstances are included with this report.

September 14, 1992



Benjamin F. Dawson III, P.E.

Hatfield & Dawson Consulting Engineers

FM SEPARATION STUDY

Job Title :KXOR C-3 Upgrade Study

Separation Buffer 100 km

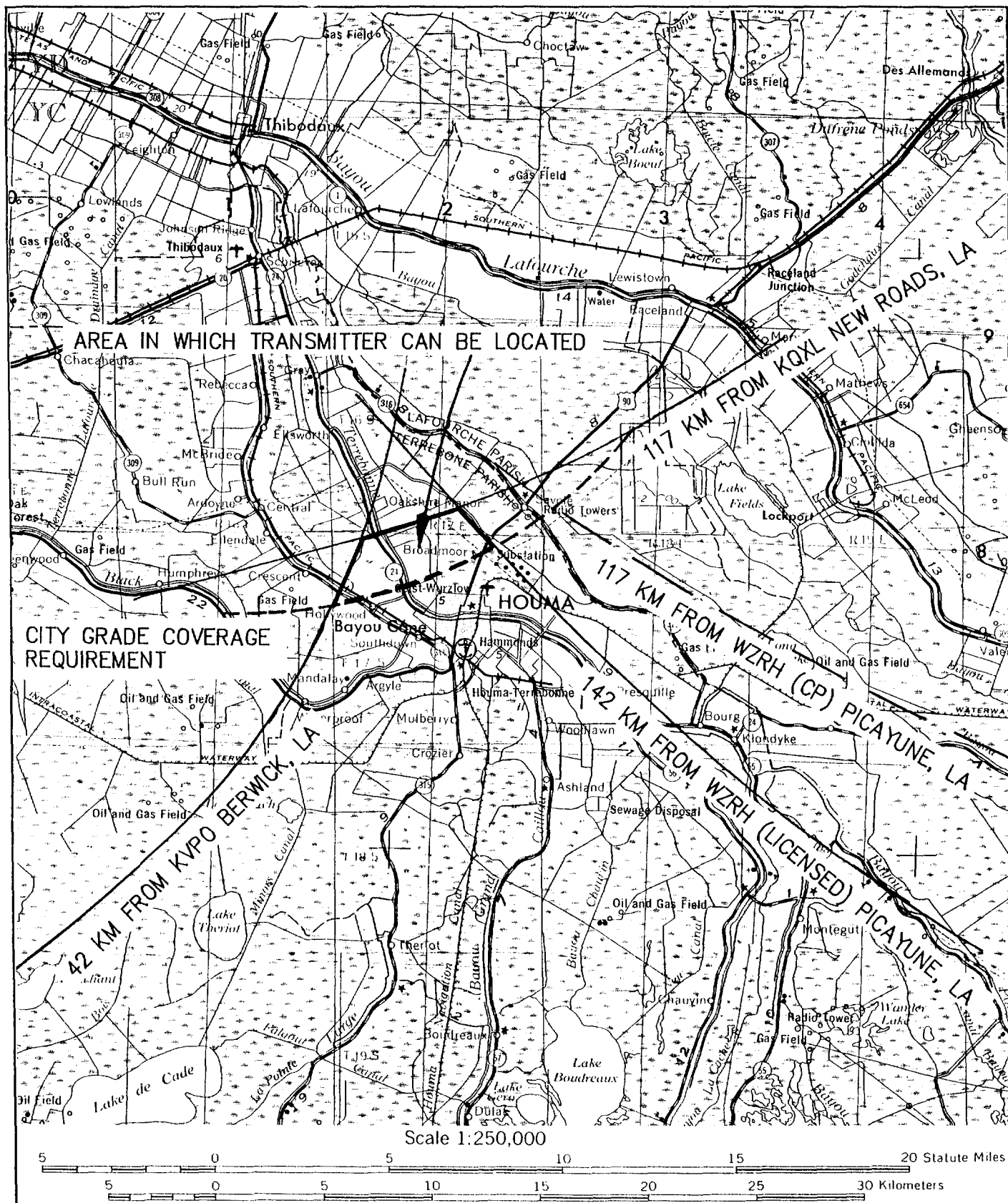
FCC DB Date : 07/28/92

Channel 292C3 (106.3 MHz)

Coordinates : 29-37-36 90-45-07

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
WMXZ LIC	New Orleans LA	BLH890508KB	239C 95.7	100. 300.0	29-55-11 90-01-29	64.9	77.48 46.48	31 CLEAR
WAKH LIC	McComb MS	BLH821026AS	289C1 105.7	100. 149.0	31-16-50 90-27-05	8.8	185.61 109.61	76 CLEAR
KVPO LIC	Berwick LA	BLH900710KA	290A 105.9	3.2 123.0	29-45-27 91-10-25	289.8	43.32 1.32	42 CLOSE
KVPO PDEL PRM	Berwick LA	RM7650	290A 105.9	.0	29-45-27 91-10-25	289.8	43.32 1.32	42 CLOSE
WZRH CP	Picayune MS	BPH891010IG	291C2 106.1	50. 150.0	30-31-22 90-00-15	35.6	122.75 5.75	117 CLOSE
From Channel 292A per D86-443								
KXOR LIC	Thibodaux LA	BMLH901204KA	292A 106.3	6. 92.0	29-43-18 90-46-33	347.7	10.79 -131.21	142 SHORT
WZRH LIC	Picayune MS	BLH6025	292A 106.3	3.00 53.0	30-31-06 89-38-41	46.8	145.50 3.50	142 CLOSE
*To Channel 291C2 per D86-443								
KFXZ LIC	Maurice LA	BLH850708KV	292A 106.3	1.30 151.0	30-04-16 92-11-53	289.9	148.18 6.18	142 CLOSE
WGUDFM LIC	Pascagoula MS	BLH851108KH	292A 106.3	2.65 105.0	30-26-54 88-33-05	66.1	230.97 88.97	142 CLEAR
*To channel 290C3 per D86-55								
WMFM PADD PRM-Counterproposal-Alternate channel	Petal MS	Docket90-566	292C2 106.3	.0	31-32-50 89-21-04	31.8	251.76 74.76	177 CLEAR
KQXLFM LIC	New Roads LA	BLH880512KB	293C2 106.5	50. 148.0	30-37-24 91-09-50	340.4	117.41 .41	117 CLOSE
KQLD LIC	Port Sulphur LA	BLH870619KD	294C1 106.7	100. 299.0	29-48-30 89-45-42	77.8	97.92 21.92	76 CLEAR
KVPO PADD PRM	Berwick LA	RM7650	295A 106.9	.0	29-45-27 91-10-25	289.8	43.32 1.32	42 CLOSE

** End of separation study for channel 292C3 **



HATFIELD & DAWSON
CONSULTING ENGINEERS

MAP SHOWING POSSIBLE FM SITE
AVAILABILITY

KXRO

THIBODAUX, LA

4/91